

Meeting Date: 10/14/08

AGENDA REPORT

City of Santa Clara, California

Agenda Item # YA-6



Date: October 8, 2008
To: City Manager for Council Action
From: Director of Public Works / City Engineer
Subject: Set Public Hearing: Agreement with Bernadette M. Delgado to construct and maintain a 3'-9" high iron fence and gate within the public right-of-way at 1375 Jefferson Street (APN 269-03-049)

EXECUTIVE SUMMARY:

In compliance with City Resolution No. 3899 (policy regarding installation of private improvements in the public right-of-way), owner of the subject property is requesting to construct and maintain a 3'-9" high iron fence within the public right-of-way along the frontage of the property. The property owner agreed to remove said private improvements at their sole cost and expense upon written demand from City.

It is proposed that October 28, 2008, at 7:00 P.M. be set as the time and date for the public hearing. Per standard procedures, at least ten days prior to the public hearing, notices will be posted on utility poles within 300 feet of the subject property, and notices will also be mailed to residents within 300 feet of the subject property.

ADVANTAGES AND DISADVANTAGES OF ISSUE:

Approval of the encroachment will allow the owner to construct and maintain said improvements within the public right-of-way while relieving the City of associated liability.

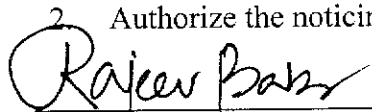
ECONOMIC/FISCAL IMPACT:

There is no additional cost to the City other than staff time and expense.

RECOMMENDATION:

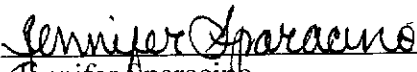
That the Council:

1. Set October 28, 2008, at 7:00 P.M. for a public hearing to consider the Agreement with Bernadette M. Delgado to construct and maintain a 3'-9" high iron fence and gate within the public right-of-way at 1375 Jefferson Street (APN 269-03-049; S.C. 18,315).
2. Authorize the noticing of the public hearing.



Rajeev Batra
Director of Public Works / City Engineer

APPROVED:



Jennifer Sparacino
City Manager

Documents Related to this Report:

1) Notice

Rev. 02/26/08

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NOTICE

NOTICE OF PUBLIC HEARING TO CONSIDER REQUEST FOR RIGHT-OF-WAY ENCROACHMENT

Notice is hereby given that the CITY COUNCIL of the City of Santa Clara will hold a PUBLIC HEARING on Tuesday evening, October 28, 2008, beginning at 7:00 P.M. in the City Hall COUNCIL CHAMBERS, 1500 Warburton Avenue, Santa Clara, to consider the following petition:

Petitioner: Bernadette M. Delgado

Location: 1375 Jefferson Street

REQUEST: Consider the request to construct and maintain a 3'-9" high iron fence and gate within the public right-of-way.
(S.C. 18,315) APN 269-03-049

The above-mentioned request and accompanying documents are on file in the Engineering Department, City Hall, 1500 Warburton Avenue, Santa Clara. Any and all interested persons may appear and be heard on said above matter. Should you have any questions, please call 615-3000.

BY ORDER OF THE CITY COUNCIL:

Rod Diridon, Jr.
City Clerk
City of Santa Clara

Dated:

CITY OF SANTA CLARA
AGENDA MATERIAL ROUTE SHEET

Council Date: 10-14-2008

SUBJECT: S.C. 18,315 – Agreement and Covenant Running with the Land
1375 Jefferson Street

CERTIFICATION

The proposed Agreement regarding the encroachment of an iron fence and gate into Jefferson Street has been reviewed and is hereby certified.

PUBLICATION REQUIRED:

The attached Notice/Resolution/Ordinance is to be published _____ time(s) at least _____ days before the scheduled meeting/public hearing/bid opening/etc., which is scheduled for _____, 200__.

AUTHORITY SOURCE FOR PUBLICATION REQUIREMENT:

Federal Codes:

Title _____ U.S.C. § _____
(Titles run 1 through 50)

California Codes:

Code _____ § _____
(i.e., Government, Street and Highway, Public Resources)

Federal Regulations:

Title _____ C.F.R. § _____
(Titles run 1 through 50)

California Regulations:

Title _____ California Code of Regulations § _____
(Titles run 1 through 28)

City

City Charter § _____ (i.e., 1310. Public Works Contracts. Notice published at least once at least ten days before bid opening)

City Code § _____

1. As to City Functions, by

44. Rajeev Bhat
Department Head

2. As to Legality, by

Heather Hechter
City Attorney's Office / CAO Assignment No 08. 1235

3. As to Environmental
Impact Requirements, by

Paul Glenn
Director of Planning and Inspection

4. As to Substance, by

J. Sparacio
City Manager

Revision Date June 7, 2005